



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Tahoma Companies, Inc.

File: B-253371

Date: September 14, 1993

Corrie Lynne Player for the protester.
Jennie Van Orden, Department of Agriculture, for the agency.
Christine F. Bednarz, Esq., and James A. Spangenberg, Esq.,
Office of the General Counsel, GAO, participated in the
preparation of the decision.

DIGEST

An agency reasonably determined the protester's low-priced quote to be technically unacceptable under a small purchase acquisition for technical evaluation services in support of a pollution control project at a mine site, where the protester's stated general experience did not address the specific technical expertise required under the stated evaluation scheme.

DECISION

Tahoma Companies, Inc. protests the rejection of its quote as technically unacceptable under request for quotations (RFQ) No. R4-93-P16, issued by the Department of Agriculture, Forest Service, for technical evaluation services in support of a pollution control project at the Cyprus Thompson Creek Molybdenum Mine.

We deny the protest.

The RFQ was issued as a small business, small purchase set-aside pursuant to Federal Acquisition Regulation (FAR) Part 13. The RFQ statement of work required the contractor to perform an independent review of technical documents submitted in support of a Supplemental Plan of Operations (SPOO) to reduce water pollution at the Thompson Creek Mine caused by acid rock and metal drainage. The contractor was to evaluate the SPOO's accuracy in estimating the acid rock drainage potential at various mine sites, such as waste rock dumps, open pits, and tailings dams. Also, the contractor was to evaluate whether the pollution control measures proposed by the SPOO would effectively mitigate acid rock and metal drainage, and prevent contamination of the Salmon River, or whether some other affordable, pollution control measure could better mitigate acid rock drainage. Finally,

the contractor was to assess the SPOO's prediction as to the extent of acid rock and metal drainage likely to exist at the time of mine closure and for a 5-year period thereafter. The contractor would prepare a final written product documenting its findings and noting any deficiencies in the SPOO. The RFQ did not provide a copy of the SPOO, but stated that interested quoters could review a copy of the document at the contracting office.

Under the RFQ, award of a firm, fixed-price purchase order was to be based on the following evaluation factors, listed in descending order of importance:

1. Demonstrated experience in the evaluation and mitigation of acid rock drainage; demonstrated experience in waste rock dump design and stability analysis;
2. Ability to complete the contract within 30 calendar days of receipt of the SPOO documents;
3. Price.

The agency received three quotes in response to the RFQ, with Tahoma submitting the low quote at \$8,713.75. At the close of its initial evaluation, the agency considered Tahoma's quote to be technically unacceptable and did not conduct discussions with Tahoma, as it did with the other two competitors. In concluding that Tahoma's quote was technically unacceptable, the agency stated,

"[t]his company and the personnel that will do the work have not demonstrated any experience/expertise in evaluation and mitigation of acid rock drainage situations.

"This company has not demonstrated any experience/expertise in waste rock dump design and stability analysis."

Tahoma protests this determination and claims that its quote reflected sufficient experience on the part of the firm and its key personnel to perform the contract work, such that its low-price quote should be accepted.

When an agency uses the small purchase procedures of FAR Part 13, the procurement is exempt from the "full and open" competition requirements of the Competition in Contracting Act of 1984, 41 U.S.C. § 253(a)(1)(A) (1988). For small purchases, a contracting officer need only solicit quotations from a reasonable number of potential sources, judge the advantages and disadvantages of each quotation in relation to the prices quoted, and determine in good faith

which quotation will best meet the needs of the government. Ronald S. Yacisin, B-245803, Nov. 20, 1991, 91-2 CPD ¶ 486. While the requirement for full and open competition does not apply, the agency must still conduct the procurement consistent with a concern for fair and equitable competition, and must evaluate quotations in accordance with the terms of the solicitation. Brennan Assocs., Inc., B-231859, Sept. 28, 1988, 88-2 CPD ¶ 295. In reviewing protests against allegedly improper evaluations, we will examine the record to determine whether the agency met this standard and reasonably exercised its discretion. Ronald S. Yacisin, supra.

Based upon our review of the record, we find that the agency's technical evaluation was consistent with the terms of the RFQ and that the rejection of Tahoma's quote as technically unacceptable was reasonable. The most heavily weighted factor under the RFQ evaluation scheme required a demonstration of experience in the evaluation of acid rock drainage, waste rock dump design and stability analysis. As the agency correctly observes, Tahoma's quotation does not reflect any experience on the part of the firm or its personnel specific to these evaluated areas.¹ Tahoma does not dispute this fact, besides offering some general statements regarding the firm's past experience in technical writing and geological studies, and the qualifications of its proposed workforce. The protester characterizes its quotation as reflecting "experience in mining, hydrology, and monitoring well programs for waste disposal sites, as well as broad general scientific backgrounds"; however, this admittedly general experience does not address any of the areas designated under the technical evaluation factors.² Since the RFQ required a specific demonstration of experience in these technical areas, we think that the agency reasonably rejected the generic information contained in the protester's quotation and properly found the protester's quote technically unacceptable.


¹In contrast, the awardee's quotation provides a summary of its experience related to the mitigation and reclamation of acid rock drainage, including a current contract to perform work substantially similar to that requested under the RFQ here. Tahoma concedes that the awardee did have more experience directly related to the evaluation criteria.

²The lack of specificity in Tahoma's quotation is consistent with the protester's apparent failure to review the SPOO to determine the content of the proposed study.

The protester argues that its low price should have secured it an opportunity to improve its quotation through discussions, which the agency conducted with the two offerors found to be technically acceptable. However, Tahoma was properly found technically unacceptable, and the agency therefore had no obligation to obtain further information from that firm or consider it further for award.³ Tramont Corp., B-219460, Sept. 10, 1985, 85-2 CPD ¶ 283.

In conclusion, we find that the decision to reject Tahoma's quotation as technically unacceptable was reasonable and consistent with the evaluation criteria, and that Tahoma therefore has no basis to challenge the award to a higher-priced quoter.

We deny the protest


for James F. Hinchman
General Counsel

³Although Tahoma states it "should have been allowed to provide further information," it has never identified what this further information might be, and has thus failed to establish prejudice arising from its allegedly improper exclusion from discussions. Simmonds Precision Prods., Inc., B-244559.3, June 23, 1993, 93-1 CPD ¶ 483.